

REMARKS

Claims 1-4, 24-26, 29, 33-34, and 51-52 have been amended. Claims 5-23, 27-28, 30-32, 35-50, and 53 have been canceled. No new claims have been added. Claims 1-4, 24-26, 29, 33-34, and 51-52 are pending.

Claims 33 and 51-52 stand under 35 U.S.C. 102(e) as being anticipated by Geiger (U.S. Patent No. 6,775,536). This rejection is respectfully traversed.

Claims 33 recites, *inter alia*, “determining, based upon evaluating a rule previously stored in the wireless device on said set of permissions, whether to enable the application for execution; executing the application if the application has been enabled for execution; and removing the application from the wireless device if the application has not been enabled for execution.”

Claim 51 recites, *inter alia*, “a ... computer platform comprising a first storage for storing a previously defined rule, ... wherein the computer platform is configured to determined, based upon evaluating the rule on the set of permissions: whether to enable the application for execution; execute the application if the application has been enabled for execution; and remove the application if the application has not been enabled for execution.”

Claim 52 recites, *inter alia*, “a first storage means for storing a previously defined rule; a second storage means for storing the application, the set of permissions, and the identification information; and a means for determining, based upon evaluating the rule on the set of permissions whether to enable the application for execution, execute the application if the application has been enabled for execution, and remove the application if the application has not been enabled for execution.”

Geiger describes the transmission of applications in a wireless environment through the use of a proxy server. Column 6, line 64 – column 8, line 65; Fig. 6. Referring to Fig. 6, a developer station 600 is used to develop code for distribution to others. The developer station 600 may include a compiler and a security constraints verifier. The developer station 600 is part of a public key infrastructure, and signs the code it produces.

The developer station 600 is coupled to a wireless domain 602, which includes a proxy server 604 and a wireless device 606. More specifically, the developer station is coupled to the proxy server 604 and is not itself a member of the wireless domain 602. A (single) security policy is enforced within the wireless domain 602. The security policy is a general security setting that will be attributed to all applications and code coming into the domain 602 from outside the domain (e.g., the developer station 600).

The proxy server 604 includes a security constraints verifier. The security policy of the wireless domain 602 can be enforced by configuring the security constraints verifier to be consistent with the policy. If the application is verified by the security constraints verifier, the application can be downloaded to a wireless device, along with a compact certificate. The compact certificate is a certificate which identifies the proxy server 604, as Geiger states that public key certificates are not suitable for resource limited devices, such as wireless devices. Column 7, lines 54-58.

Geiger therefore discloses a system which includes a proxy server, which includes a security constraints verifier. Significantly, the security constraints verifier can only certify that the application meets one set of constraints, consistent with the security policy of the wireless network associated with the proxy server 604. The wireless devices of Geiger therefore only need to rely upon identifying whether an application has been altered, and if not, the application can be executed because it has been verified by the security constraints verifier for the wireless network associated with the wireless device.

In contrast, claims 33, 51, and 52 are directed to clients, or methods operating on the wireless device, which receive a “set of permissions” along with the application from the server. The “set of permissions” are then evaluated via a “rule” previously stored on the device, to determine whether the application can be trusted for execution, or which should be removed as being untrustworthy. This permits, for example, a certifier in the present invention to certify the application against the criteria applicable to plural networks, and for a wireless device operable on one of the plural networks, to include a rule governing how the wireless device evaluates the set of permissions, to determine whether to trust an application received from a server. The use of a “set of permissions” and a previously stored “rule” are not taught or suggested by Geiger.

Accordingly, claims 33, 51, and 52 cannot be fairly stated to be disclosed or suggested by Geiger.

Claims 1-4, 24-26, 29, 33-34, and 51-52 have been amended. Claims 5-23, 27-28, 30-32, 35-50, and 53 have been canceled. No new claims have been added. Claims 1-4, 24-26, 29, 33-34, and 51-52 are pending.

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kimball (U.S. Patent No. 5,862,474) in view of Fette (U.S. Patent No. 6,052,600), Rachabathuni (U.S. Patent No. 6,628,938), and Geiger (U.S. Patent No. 6,775,536). Claims 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kimball in view of Fette, Rachabathuni, Geiger, and Moore (U.S. Patent No. 6,259,791) or Osborn (U.S. Patent No. 6,026,293). These rejections are respectfully traversed.

Claim 1 recites, *inter alia*, “certifying the application satisfies each criterion in a set of predetermined criterions, wherein each criterion is respectively associated with a wireless environment” and “after said certifying, assigning a set of permissions to the application, said set of permissions having a plurality of permissions each associated with a respective criterion in said set of predetermined criterions; and transmitting the application, the set of permissions, and a second identification information usable to confirm an identify of said server, to the wireless device; wherein said application is independent of any act for performing wireless communication between the wireless device and the wireless network.”

Kimball discloses a wireless modem which is programmable via commands sent by a computer to the wireless modem. As noted in the Office Action, the programming include upgrading software, and setting parameters such as MIN and SID. The software being upgraded is the operational software of the wireless modem, and the parameters MIN and SID are used by the wireless modem for wireless communication between the modem and a wireless network.

Kimball therefore fails to disclose or suggest (and in fact teaches against) the above quoted limitations of claim 1, which includes the passage “wherein said application is independent of any act for performing wireless communication between the wireless device and the wireless network.”

Further, Kimball, as well as Rachabathuni, Geiger, Moore, and Osborn, also fail to disclose or suggest remainder of the above quoted portion of claim 1. In particular, none of the cited references, whether taken singly, or in combination, disclose or suggest above quoted “certifying” against “a set of predetermined criterions, wherein each criterion is respectively associated with a wireless environment,” and assigning a set of permissions to the application, said set of permissions having a plurality of permissions each associated with a respective criterion in said set of predetermined criterions.”

As noted above with respect to the rejection of claim 33 and 51-52 under 35 U.S.C. 102(e), the use of a set of predetermined criterions and a corresponding set of permissions permits certifying the application across a plurality of wireless environments, thereby also permitting a wireless device to include a rule which can be used to evaluate the set of permissions with respect to the particular wireless network associated with the wireless device.

Claims 1-4, 24-26 and 51-52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fette (U.S. Patent No. 6,052,600), in view of Rachabathuni (U.S. Patent No. 6,628,938), and Geiger. This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, “certifying the application satisfies each criterion in a set of predetermined criterions, wherein each criterion is respectively associated with a wireless environment” and “after said certifying, assigning a set of permissions to the application, said set of permissions having a plurality of permissions each associated with a respective criterion in said set of predetermined criterions; and transmitting the application, the set of permissions, and a second identification information usable to confirm an identify of said server, to the wireless device; wherein said application is independent of any act for performing wireless communication between the wireless device and the wireless network.”

Claim 24 recites, *inter alia*, “a server, ... configured to: ... certify that the application satisfies each criterion in a set of predetermined criterions, wherein each criterion is respectively associated with a wireless environment; after said certify, assign a set of permissions to the application, said set of permissions having a plurality of permissions each associated with a respective criterion in said set of predetermined criterions, and transmit the application, the set of

permissions, and ... to the wireless device ... wherein said application is independent of any act for performing wireless communication between the wireless device and the wireless network.”

Claim 51 recites, *inter alia*, “a ... computer platform comprising a first storage for storing a previously defined rule, ... wherein the computer platform is configured to determined, based upon evaluating the rule on the set of permissions: whether to enable the application for execution; execute the application if the application has been enabled for execution; and remove the application if the application has not been enabled for execution; and wherein the application is independent of any act for performing wireless communication between the wireless device and the wireless network.”

Claim 52 recites, *inter alia*, “a first storage means for storing a previously defined rule; a second storage means for storing the application, the set of permissions, and the identification information; and a means for determining, based upon evaluating the rule on the set of permissions whether to enable the application for execution, execute the application if the application has been enabled for execution, and remove the application if the application has not been enabled for execution; wherein the application is independent of any act for performing wireless communication between the wireless device and the wireless network.”

Fette is directed at radio communications equipment which would be compatible both working in a home location as well as a remote location. Fette discloses a software programmable wireless radio. The radio would transmit a request through a wireless communication channel to request information on how to configure itself. The request is picked up by a nearby base station, and a database on a server is consulted for the required configuration information, which is then sent to the radio. The radio performs self configuration based upon that information. Column 3, lines 31-42. Fette defines configuration operation to include loading of a software program. The software disclosed in Fette are used in a manner related to the wireless communication protocol. For example, the software program can be used to generate waveforms required for the wireless communication. Alternatively, the software program may be used in conjunction with a digital signal processor for encoding or decoding audio information, including voice. Column 6, lines 25-45. Fette also defines configuration information to also include a license for operating the software, or using the output (e.g., an waveform) of the software. Column 3, lines 43-57.

Claims 1, 24, 51, and 52 each recite that the application is “independent of any act for performing wireless communication between the wireless device and the wireless network.” This feature not disclosed or suggested by Fette.

Additionally, claims 1 and 24 recite the steps, or a server configured to perform steps of certifying the application against “a set of predetermined criterions, wherein each criterion is respectively associated with a wireless environment” and after the act of certifying, assigning “a set of permissions to the application, said set of permissions having a plurality of permissions each associated with a respective criterion in said set of predetermined criterions.” These features are also not taught or disclosed by Fette.

As noted above with respect to the rejection of claim 33 and 51-52 under 35 U.S.C. 102(e), this permits a wireless device having a previously stored rule to have a computer platform configured to “determine based upon evaluating the rule on the set of permissions: whether to enable the application for execution; execute the application if the application has been enabled for execution; and remove the application if the application has not been enabled for execution” as recited by claim 51, or for a wireless device to include “a means for determining, based upon evaluating the rule on the set of permissions whether to enable the application for execution, execute the application if the application has been enabled for execution, and remove the application if the application has not been enabled for execution; wherein the application is independent of any act for performing wireless communication between the wireless device and the wireless network.” These features are also not taught or disclosed by Fette.

The Office Action additionally cites to Rachabathuni, and Grob, however, these references, whether taken singly or in combination, also do not disclose or suggest the above quoted portions of the independent claims.

Claims 1, 24, 29, 33, and 51-52 are believed to be allowable over the prior art of record. The depending claims are believed to be allowable for at least the same reasons as the independent claims.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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By: 

Christopher S. Chow
Reg. No. 46,493
(858) 845-3249

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502